

REMARKS

Claims 29-38 and 40-59 are pending in this application.

Claims 46, 47 and 50 have been canceled without prejudice and claims 29, 58 and 59 have been amended by the present Amendment. Amended claims 29, 58 and 59 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of (1) claims 29-36 and 40-59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,610,822 ("Murphy") in view of U.S. Patent No. 5,596,647 ("Wakai"), International Application Pub. No. WO 00/38951 ("Mathias"), and U.S. Patent No. 6,300,880 ("Sitnik"); (2) claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Wakai, Mathias and Sitnik as applied to claim 29, and further in view of U.S. Patent No. 5,311,302 ("Berry"); and (3) claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Wakai, Mathias and Sitnik as applied to claim 29, and further in view of U.S. Patent No. 6,243,645 ("Moteiki").

Applicants respectfully submit that the cited references, when taken alone or in combination, do not disclose or suggest that the two wireless transmitters are each wired to directly receive the SEL input at a second input position on each of the two wireless transmitters prior to wireless transmission to the remotely located wireless headphone sets, the two wireless transmitters each having multiplexing capabilities, as essentially recited in amended claims 29, 58 and 59.

For example, referring to Fig. 1A and paragraph 0037 of Applicants' disclosure, the two wireless transmitters 128 and 130 are each wired to directly receive the SEL

input at a second input position prior to wireless transmission to the remotely located wireless headphone sets. The direct SEL input to the two wireless transmitters 128, 130 occurs prior to wireless transmission to each of the remotely located wireless headphones so as to prevent the selection of an input device at the remote location. Such a feature is especially useful when, for example, a parent having access to the assembly housing is able to control selection of a media source by a child having the wireless headphones, but not access to the assembly housing.

In contrast to the claimed embodiments, Applicants respectfully submit that none of the cited references, either alone, or in combination, disclose the claimed transmitters that directly receive the SEL input at a second input position prior to wireless transmission to the remotely located wireless headphone sets.

In rejecting claims 29, 58 and 59 after the last filed Amendment, the Examiner introduced Wakai to cure the deficiencies in Murphy. However, referring to Fig. 2 and col. 6, lines 6 – 15 of Wakai, the composite audio signal including audio from all of the signal sources 12 is transmitted to the plurality of remote locations, where under control of a digital passenger control unit (DPCU), selection of one or more desired channels from the composite signal is made by the demultiplexer 18. Accordingly, in Wakai, it is only after transmission to the remote location that a direct input is made to select a program. In stark contrast, according to the claimed embodiments, the direct SEL input is made at the transmitter prior to wireless transmission to the remote location.

Therefore, Wakai fails to cure the deficiencies in Murphy in this regard.

For at least the above reasons, Applicants maintain that amended claims 29, 58 and 59 are patentable over the cited references.

For at least the reason that claims 30-38, 40-45, 48, 49 and 51-57 depend from claim 29, claims 30-38, 40-45, 48, 49 and 51-57 are also submitted to be patentable over the cited references, claims 46, 47 and 50 having been canceled.

As such, Applicants request that the Examiner withdraw the rejections of claims 29-38 and 40-59 under 35 U.S.C. §103(a).

DEPENDENT CLAIMS

Applicants have not independently addressed the rejections of all the dependent claims because Applicants submit that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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